

### REMARKS

Claims 1, 3, and 5 are pending in this application. Claims 1, 3, and 5 stand rejected. By this Amendment, claims 1, 3, and 5 have been amended and claims 7 and 8 have been cancelled without prejudice. The amendments made to claims 1, 3, and 5 do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 1 of the Office Action rejects claims 7 and 8 under 35 U.S.C. § 102(b). Applicants cancellation of claims 7 and 8 without prejudice renders this rejection moot.

Paragraph 2 of the Office Action rejects claims 1, 3, and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,068,360 (“Hiwada”) in view of EP 0995599 (“Ishizaki”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests.

See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

According to the present invention, a first flexible cable provides a drive produced by a power amplifier to a piezoelectric actuator. A feedback loop consisting of a second flexible cable, and a resistor connected in parallel with a capacitor are used to feed the voltage presented to the piezoelectric actuator back to the power amplifier as an input. Specifically, the second cable connects to the first cable and piezoelectric actuator such that the resistor and capacitor are positioned near the amplifier. The present invention reduces the dullness in the wave form caused by the connection between the control substrate, where the power amplifier is located, and the piezoelectric actuator. Neither Hiwada nor Ishizaki discloses such a feedback loop or suggests the reduction of such dullness.

Further, Hiwada fails to feedback the drive waveform signal supplied to the piezoelectric actuators. In contrast, the circuit in Hiwada provides feedback of a dummy head (PZT 13). See column 6, lines 15-24. Further, Ishizaki is similar to Applicant's admitted prior art. In Ishizaki, the feedback voltage is the voltage at the output of the power amplifier not the input to the piezoelectric actuator as explicitly recited in Applicant's claims. As such, the combination of Hiwada and Ishizaki fails to render the pending claims obvious.

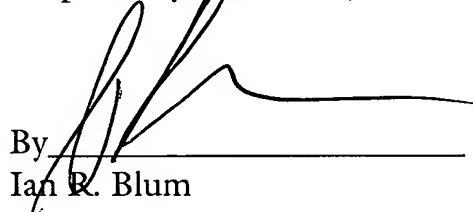
Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: September 15, 2004

Respectfully submitted,

  
By \_\_\_\_\_  
Ian R. Blum

Registration No.: 42,336  
DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 835-1400  
Attorneys for Applicant

IRB/mgs